

act as amended. The article was labeled in part: "Oliva D'Oliiva Vergine Extra-fino La Viola Brand Oil D. F. Debco Net Contents One Gallon" (or "Net Contents Half-Gallon")

It was alleged in the libel that the article was misbranded in that the statement "Net Contents One Gallon," or "Net Contents one-half Gallon," borne on the labels, was false and misleading and deceived and misled purchasers, and in that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages.

On April 3, 1928, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

W. M. JARDINE, *Secretary of Agriculture.*

15687. Adulteration of frozen whole eggs. U. S. v. 1049 Cans of Frozen Whole Eggs. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 22610. I. S. Nos. 20957-x, 20959-x, 20960-x. S. No. 639.)

On March 8, 1928, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 1,049 cans of frozen whole eggs at Jersey City, N. J., alleging that the article had been shipped by Swift & Co., in part from Chicago, Ill., and in part from Hutchinson, Kans., on or about February 15, 1928, and had been transported from the States of Illinois and Kansas, respectively, into the State of New Jersey, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Brookfield Frozen Eggs * * * Swift & Company * * * Chicago."

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid animal substance.

On March 26, 1928, Swift & Co., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$14,500, conditioned in part that it be salvaged by separating the good eggs from the bad and destroying or denaturing the latter.

W. M. JARDINE, *Secretary of Agriculture.*

15688. Adulteration of butter. U. S. v. 10 Tubs of Butter. Decree of condemnation and forfeiture entered. Product released upon deposit of collateral. (F. & D. No. 22662. I. S. No. 21064-x. S. No. 575.)

On February 10, 1928, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 10 tubs of butter, remaining in the original unbroken packages at Boston, Mass., consigned about February 2, 1928, alleging that the article had been shipped by the Goose River Creamery Co., Hillsboro, N. Dak., and had been transported from the State of North Dakota into the State of Massachusetts, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that a substance containing less than 80 per cent by weight of milk fat had been substituted in whole or in part for butter, which the said article purported to be, the act of March 4, 1923, providing that butter shall contain not less than 80 per cent by weight of milk fat.

On February 14, 1928, the Goose River Creamery Co., Inc., Hillsboro, N. Dak., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the deposit of \$300, in lieu of bond, conditioned in part that it be reworked so as to contain at least 80 per cent of butterfat.

W. M. JARDINE, *Secretary of Agriculture.*

15689. Adulteration of sour pitted cherries. U. S. v. 172 Cases of Red Sour Pitted Cherries. Product ordered released under bond to be reconditioned. (F. & D. No. 22290. I. S. No. 18081-x. S. No. 341.)

On December 15, 1927, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District